



Attorney Docket No. 033018-150 Patent 172W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Sprinkel, F. Murphy, Jr. et al.

Application No.: 10/736,990

Filing Date: December 17, 2003

Title: AEROSOL GENERATOR HAVING HEATER IN MULTILAYERED COMPOSITE AND METHOD OF USE THEREOF

Group Art Unit: 3761

Examiner: Not Yet Assigned

Confirmation No.: 6439

FIRST
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a FIRST Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By

Peter K. Skiff

Registration No. 31,917

Date: 6/25/04

(4/04)



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THEREOF)	
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FIRST INFORMATION DISCLOSURE STATEMENT

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Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Some / All of the listed documents were previously made of record in prior Application Serial No. 09/742,320, filed December 22, 2000, now U.S. Patent No. 6,701,921, issued March 9, 2004, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98, a copy of each of the listed documents, except those documents which were previously made of record in the prior application, is enclosed.

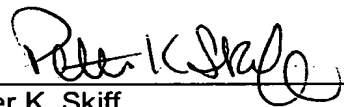
The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

To assist the Examiner, the document is / documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date 6/25/04

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P.O. Box 1404
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FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

6

Complete if Known

Application Number	10/736,990
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First Named Inventor	Sprinkel, F. Murphy, Jr. et al.
Examiner Name	Not Yet Assigned
Attorney Docket Number	033018-150

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
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	5,743,251		Tony M. Howell et al.	04-28-1998
	2,896,856		Kravits	07-28-1959
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Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation	
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	354094	A	Belgium	09-1928		
	354004	A	Belgium	09-1928		
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	0358114	A	Europe	03-14-1990		
	0642802	A2	Europe	05-14-1996		
	1036470	B1	Germany	08-14-1958		
	P953409		Hungary	06-03-1994		
	207457	A	Hungary	04-28-1993		

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Barry, P.W. et al. "In Vitro Comparison of the Amount of Salbutamol Available for Inhalation From Different Formulations Used with Different Spacer Devices" Eur Respir J 1997; 10: 1345-1348
	Byron, Peter R. Ph.D., Chairman, "Recommendations of the USP Advisory Panel on Aerosols on the USP General Chapters on Aerosols (601) and Uniformity of Dosage Units (905)", Pharmacopeial Forum, Vol. 20, No. 3, pp. 7477-7505, May-June 1994 (023)
	Hindle, Michael et al., "High Efficiency Aerosol Production Using the Capillary Aerosol Generator" PharmSci 1998; 1: (1:suppl) S211
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	Hou, Shuguang et al. <i>Solution Stability of Budenonide in Novel Aerosol Formulations</i> Abstract No. 2582, Solid State Physical Pharmacy, November 17, 1998, p. S-307
	Kousaka, Yasuo et al., "Generation of Aerosol Particles by Boiling of Suspensions", Aerosol Science and Technology, 21:236-240 (1994) (023)

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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U.S. PATENT DOCUMENTS				
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	3,847,304		Cohen	11-12-1974
	3,859,398		Havstad	01-07-1975
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	4,837,260		Sato et al.	06-06-1989

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Substitute for form 1449A/PTO & 1449B/PTO			Complete if Known		
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U.S. PATENT DOCUMENTS				
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	4,848,374		Chard et al.	07-18-1989
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	6,275,650		Lambert	08-14-2001
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Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation	
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	216121	B	Hungary	03-21-1991		
	923957	A1	EPO	6-23-1999		

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Morén, Folke "Drug Deposition of Pressurized Inhalation Aerosols I. Influence of Actuator Tube Design" AB Draco (Subsidiary of AB Astra, Sweden) Research and Development Laboratories Pack, S-221 01 Lund (Sweden), International Journal of Pharmaceutics, 1 (1978) 205-212
	Newman, Stephen P. et al., "Deposition of Pressurized Suspension Aerosols Inhaled Through Extension Devices ^{1-3m} , Am Rev Respir Dis 1981; 124:317-320
	Roth, G. et al. High Performance Liquid Chromatographic Determination of Epimers, Impurities, and Content of the Glucocorticoid Budesonide and Preparation of Primary Standard, Journal of Pharmaceutical Sciences, Vol. 69, No. 7, pp. 766-770, July 1980
	Notification of Transmittal of the International Search Report or the Declaration for PCT/US01/45749 dated October 3, 2002.
	Written Opinion for PCT/US01/45759 dated May 28, 2003
	Notification of Transmittal of International Preliminary Examination Report dated January 2, 2004 for PCT/US01/45759.

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